

City of East Providence

Regular Council Meeting

June 7, 2011

6:30 PM Executive Session

7:30 PM Open Session

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a) (2)

1. Claims Committee, 6:30 PM Room 101, City Hall

A. Kenneth M. Lonardo

B. Ferrucci Russo P.C.

II. REGULAR MEETING

III. CALL TO ORDER

IV. INVOCATION

V. SALUTE TO THE FLAG

VI. CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

A. Letters

1. Coastal Resources Management Council Agenda Joint Work Session Tuesday May 31, 2011, 6:00PM, South Kingstown Town Hall,

Council Chambers, 180 High Street, Wakefield, RI.

ATTACHMENTS:

- **crmsjointworksession (PDF)**

2. Coastal Resources Management Council June 2011 Calendar.

ATTACHMENTS:

- **crmcjune2011calendar (PDF)**

3. Coastal Resources Management Council May 2011 Calendar.

ATTACHMENTS:

- **crmcmay2011calendar (PDF)**

4. East Greenwich Town Council Resolution Opposing Mandatory Continuation of Teacher Contracts, S0413 and H5943.

ATTACHMENTS:

- **eastgreenwhichresolution (PDF)**

5. North Smithfield School Committee Resolution in Opposition to Mandatory Continuation of an Existing Teacher Collective Bargaining Agreement.

ATTACHMENTS:

- **northsmithfieldschoolcommitteeresolution (PDF)**

B. Licenses

1. Holiday Sales Riana, Inc. DBA Furniture Clearance Center, 80 Newport Avenue (02916), Robert M. Russo, 10 Carlo Court, Cranston

(02921)

ATTACHMENTS:

- **furnitureclearancecenterlicense (PDF)**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VII. PUBLIC COMMENT

VIII. APPOINTMENTS

1. Deputy Probate Judge Appointment Ralph T. Dellarosa, 60 Don Avenue (02916) (By Mayor Rogers)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2. Minimum Property Standards Board of Review - Reappointment Joseph Silveira, Jr., 44 Mowry Street (02914) (By Mayor Rogers)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

3. Minimum Property Standards Board of Review - Reappointment Charles Dwyer, 432 Roger Williams Avenue (02916) (By Mayor Rogers)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

**4. Minimum Property Standards Board of Review Elaine Gonsalves,
71 Centre Street (02916) (By Mayor Rogers)**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

**5. Minimum Property Standards Board of Review - Reappointment
Steve Gianlorenzo, 25 Tripps Lane (02915) (By Mayor Rogers)**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

**6. Minimum Property Standards Board of Review Thomas Riley, 3620
Pawtucket Avenue (02915) (By Mayor Rogers)**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

**7. Traffic Control Appointment James J. Lewis, 213 Norton Street
(02915) (By Assistant Mayor Rose)**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

IX. LICENSES NOT REQUIRING PUBLIC HEARING

**All licenses subject to approval(s) from the Chief of Police, Building
Inspector, State Division of Taxation and Fire Marshall.**

1. Alcoholic Bev/B FP Vict

**Alcoholic Beverage Class B, Dance/Entertainment, Vict/Over 50 -
Renewal Cape Verdean Progressive Center, 329 Grosvenor Avenue**

(02914), Elaine M. Gonsalves, 71 Centre Street (02916)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2. Hawker

**Hawker Michael Still DBA Keystone Fireworks, 201 Seymour Street,
Lancaster, PA, 17603, Michael Still, 464 Tall Cedar Lane, Greencastle,
PA, 17225**

Locations : 40 Highland Avenue and 655 Warren Avenue

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

3. Hawker

**Hawker American Promotional Events, Inc. DBA TNT Fireworks
Hogan Wall Association, 1 West Exchange Street, Providence (02903),
Melissa M. Goduti, 40 S. Cherry Street #23, Wallingford, CT 06492**

Location: 801 Taunton Avenue

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

4. Victualing/Not Over 25

**Riccotti's Sandwich Shop Vict/Not Over 25 Frank Formisano DBA
Riccotti's Sandwich Shop, 198 Willet Avenue (02915), Frank
Formisano, 681 Prospect Street, Fall River, MA 02720**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

5. Peddler/Ice Cream

Peddler-Ice Cream Melissa Lauer DBA Sugar Shack, 90 Roger Williams Avenue (02916)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

6. Hawker

Hawker Keith M. Lambert DBA BJ Alan Phantom Fireworks, 555 Martin Luther King Blvd, Youngstown, OH 44502, Keith M. Lambert, 122 Orlando Drive, North Providence (02904)

Location:30 Highland Avenue

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

X. NEW BUSINESS

A. City Managers Report (by Interim City Manager Orlando Andreoni)

1. RFQ Architectural & Engineering Services - Fire Station 1 and 4 Renovation. Purchasing Agent Paul Airozo

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

B. Reports of Other City Officials

1. 2011 Taxes (By Tax Assessor Steve Hazard)

2. Dean Ross Vs EP City Council - OMA Complaint (By Assistant

Solicitor Craven)

C. Council Members

1. Exxon Mobil Tax Exemption Status (By Mayor Rogers)

**2. Update on Providence Journal Mandatory Thursday Delivery
Petition (By Mayor Rogers)**

3. Funds Spent to Date Re: Pond View/TLA (By Mayor Rogers)

4. Fireworks Display (By Mayor Rogers)

5. American Flag Day and Day of Portugal (By Mayor Rogers)

6. Police Details EP Feasts and Festivals (By Mayor Rogers)

7. City Manager Interview Discussion (By Mayor Rogers)

8. Relocation of Municipal Court (By Mayor Rogers)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

9. Status of New Police Cars (By Assistant Mayor Rose)

**10. Accountability for School Department Spending (By Assistant
Mayor Rose)**

11. The Intimidation Continues (By Councilman Conley)

12. There Are a Lot of Poeples in East Providence Who Could Care Less About TLA/Pond View (By Councilman Conley)

13. Deficit Elimination Committee Update (By Councilman Conley)

14. Thank You (By Councilman DiGioia)

15. City Manager Search Committee Update (By Councilman DiGioia)

D. Resolutions

1. Resolution in Support of Forming the East Bay Home Consortium and Authorizing Its City Manager to Enter into a Cooperative Agreement with the Other Consortium Members

WHEREAS, the City of East Providence, Rhode Island was incorporated as a Town in 1862 and as a City in 1958; and

WHEREAS, the City of East Providence, as the Consortium's Representative Member will assume the overall responsibilities for ensuring compliance with the HOME program as it relates to the East Bay HOME Consortium; and

WHEREAS, the East Bay HOME Consortium has prepared a

Cooperative Agreement to be executed by each East Bay HOME Consortium member; and

WHEREAS, the City of East Providence believes that East Bay HOME Consortium's designation by the Department of Housing & Urban Development as a Participating Jurisdiction entitling the East Bay HOME Consortium to federal formula allocations of HOME funds is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of East Providence endorses and supports the formation of the East Bay HOME Consortium and hereby authorizes its City Manager to enter into a Cooperative Agreement with the other East Bay Consortium Members.

This resolution shall become effective upon its passage.

ATTACHMENTS:

- **Home Consortium Resolution Backup (PDF)**

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

E. Introduction of Ordinances

1. An Ordinance of the City of East Providence Authorizing The City of East Providence to Repair and Improve Public School Buildings in

the City of East Providence and Authorizing The Financing Thereof, Including the Issue of Not More Than \$15,000,000 Bonds, Notes and Other Evidences of Indebtedness Therefor, Including But Not Limited to Any Bonds or Notes Issued Pursuant to Financing Agreements with the Rhode Island Health and Educational Building Corporation

SECTION 1. Pursuant to Chapters 270 of the Public Laws of 2010 and a vote of the electorate on November 2, 2010 (the “Authorization”), the City Finance Director and the Mayor are hereby authorized to issue on behalf of the City, an amount not exceeding Fifteen Million Dollars (\$15,000,000) bonds of the City to repair and improve public school buildings (the “Project”).

SECTION 2. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the bonds may be fixed by the officers authorized to sign the bonds. The City may enter into a financing and/or other agreements with the Rhode Island Health and Educational Building Corporation pursuant to Title 45, Chapter 38.1 of the General Laws.

SECTION 3. The said officers from time to time may, apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes specified in Section 1 hereof.

SECTION 4. Pending the issuance of the bonds under Section 1 hereof, the City Finance Director, at the written direction of the City Council, may expend funds from the general treasury of the City or other monies on hand for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the bonds issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 5. The City Finance Director and the Mayor of the City are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing, including, without limitation, a Preliminary Official Statement, a final Official Statement, all in such form and with such provisions as such officer shall deem advisable; (ii) amend, modify or supplement the bonds any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this resolution in order to carry out said borrowing and the intent hereof.

SECTION 6. The City Finance Director and the Mayor are authorized to take all actions necessary to comply with federal tax and securities

laws including Rule 15c2-12 of the Securities and Exchange Commission (the “SEC Rule”) and to execute and deliver a Continuing Disclosure Certificate in connection with the bonds in the form as shall be deemed advisable by the City Finance Director and the Mayor in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this resolution or the bonds, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 7. This ordinance is an affirmative action of the City Council of the City toward the issuance of the bonds in accordance with the purposes of the laws of the State of Rhode Island. This ordinance constitutes the City’s declaration of official intent, pursuant to Treasury Regulation §1.150(2), to reimburse the City for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this ordinance but prior to the issuance of the bonds. Such amounts to be reimbursed shall not exceed \$15,000,000 and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is

paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 8. The City Finance Director and the Mayor are hereby authorized to take all lawful action necessary or desirable under the Internal Revenue Code of 1986, as amended (the “Code”), to insure that the interest on the bonds will remain exempt from federal income taxation to the extent provided in Section 103 of the Code, and to refrain from taking any action which will cause interest on the bonds to lose the benefit of exclusion from gross income provided by Section 103(a) of the Code.

SECTION 9. This Ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

F. Communications

1. State Representative Roberto DaSilva, 50 Rice Avenue Requesting to Address the Council Regarding Information for Residents Concerning the RI Hardest Hit Fund Program.

2. Gregory S. Dias, 57 Tryon Avenue Requesting to Address the Council Regarding the 11Th Annual Block Party for Neighbors of

Tryon Ave, Gibbs Street and Estelle Street, Saturday, July 16.

3. Tom Riley. 3620 Pawtucket Avenue Requesting to Address the Council Regarding Pond View, Johnston and Barrington - Show Me the Money.

4. Debra C. Gomes, 1275 Pawtucket Avenue, Requesting to Address the Council Regarding Street Closure (Chaffee Street Between Pawtucket Avenue and Derman Street) for Vacation Bible School July 11-July 15 from 5Pm-9Pm for Bethany Church

XI. ADJOURNMENT

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590**

*** Any items listed on the Council Docket may be subject to a vote.**